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Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ELAN MOSHE,  
  
Defendant.

CASE NO. 2:21-CR-00212-TLN  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
ORDER  
  
DATE: February 10, 2022  
TIME: 9:30 a.m.  
COURT: Hon. Troy L. Nunley

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on February 10, 2022. On February 8, 2022, on its own motion, the Court continued the matter to February 24, 2022.

2. By this stipulation, defendant now moves to continue the status conference until March 17, 2022, at 9:30 a.m., and to exclude time between February 10, 2022, and March 17, 2022, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes reports and photographs. All of this discovery has been either produced directly to counsel and/or made available for inspection and copying.

1           b) Counsel for defendant desires additional time to discuss the charges, sentencing  
2 guidelines, and trial strategy with his client, conduct independent factual investigation, and  
3 otherwise prepare for trial.

4           c) Counsel for defendant believes that failure to grant the above-requested  
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
6 into account the exercise of due diligence.

7           d) The government does not object to the continuance.

8           e) Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendant in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11           f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of February 10, 2022 to March 17,  
13 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
14 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
15 of the Court's finding that the ends of justice served by taking such action outweigh the best  
16 interest of the public and the defendant in a speedy trial.

17                                   **[CONTINUED ON NEXT PAGE]**  
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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 8, 2022

PHILLIP A. TALBERT  
United States Attorney

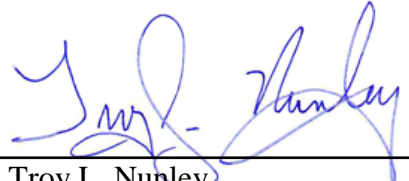
/s/ CAMERON L. DESMOND  
CAMERON L. DESMOND  
Assistant United States Attorney

Dated: February 8, 2022

/s/ Phil Cozens  
Phil Cozens  
Counsel for Defendant  
ELAN MOSHE

**ORDER**

IT IS SO FOUND AND ORDERED this 8<sup>th</sup> day of February, 2022.

  
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Troy L. Nunley  
United States District Judge